Ref. – Eage – 004.0
Stack 058

NEW CHRISTIAN

JULY-AUG. Edited by Kenneth Leslie

THE LIBRARY OF THE
SEP 24 1956
UNION THEOLOGICAL SEMINARY

FYKE FARMER

AND

WORLD CONSCIENCE

☆ ★ ☆

Vol. XII, No. 4 30 cents

FYKE FARMER AND WORLD CONSCIENCE

Our commercial culture has a thousand and one ways of putting callouses on our consciences. From the eye-gouging grunt and groan artists to the smooth episcopal double-talk the metallic sheen of mechanized death is everywhere. Speed-lust, money-lust, blood-lust are strangling our society. Yet there are still a few voices to warn us of our fate. For instance, Fyke Farmer of Nashville, Tennessee.

Even before the iniquitous Korean war was started Fyke Farmer saw that the war planning and war preparations by the Truman Administration had reached the stage where war was going to be initiated somewhere. His income tax on his 1949 income was due in 1950. He filed the return showing the amount of the tax that might be assessed but refused to pay the tax. "My refusal," he says, "was on the ground that the Nuremberg law was a part of the law of the land in the United States and that I would be guilty as an accomplice if I contributed money to help finance the war activities of the government. By the Nuremberg Law the crimes against peace are committed by individuals and not states and impersonal entities. I recalled that when the Nuremberg Judgment was rendered, statesmen said that it was law for the whole world, the victors as well as the vanquished. I proposed to obey that law."

Fyke Farmer is now upholding that law in the United States and we believe he should receive the aid and comfort of peace lovers everywhere. For he is taking his case to a court of law where it will be tried on September 25-26, 1956. This will be an historic case, and we should salute the integrity of Federal Judge Elmer D. Davies who twice denied motions to dismiss the case.

Win or lose, the stage is set where much truth can be exposed to a truth-hungry world. "One of the principal issues in the case," says Mr. Farmer, "is whether the planning, preparing, initiation and waging of war by the United States has been for aggression. My investigation of facts from non-Communist sources convinces me that I will be able to establish judically that the aggression in Korea was by Syngman Rhee (aided and abetted by the U.S. State Department) and not by the North Korean government. Indeed, this has been admitted by Syngman Rhee and Ben C. Limb, his foreign minister, when the hostilities were started. Both have publicly stated that "we" started war to destroy communism and unify Korea.

"Mr. Dulles claims credit for having taken us to the brink of war three times without actually pushing us clear over the brink. By the same token, he must answer for aiding and abetting Syngman Rhee to initiate war a couple of days after Dulles had stood up in the South Korean Assembly and formally assured them of U.S. support in war with the northern government.

"If there were no other evidence that the United States war planning, preparing, initiating and waging—these being the exact words of the Nuremberg Charter—has been and is for aggression, Dulles' latest statements would be enough. He had certainly revealed steps taken by him in execution of the policy of using force and threats of force in violation of Article 2, Section 4 of the United Nations Charter. Besides, the Kellog-

Briand Pact is still in effect. It was treated by the Nuremberg Tribunal as a most important basis for the holding that the Nazi government planned war in violation of international treaties and agreements.

"President Eisenhower has endorsed Dulles' statements and given him full support. This establishes that the policy of using force and the threat of force against the territorial integrity and independence of other nations and contrary to the principles of the United Nations is the official policy of the Eisenhower Administration too.

"I am a law-abiding citizen. My government has not right or power to force me to become a war criminal. The Nuremberg Law says that those guilty of complicity in war activities within the prohibition of that law render themselves guilty of the crime along with the heads of states and high policy makers.

"In refusing to pay taxes to support the war activities of the Government of the United States, I am not in disobedience to the law. I am obeying the law. I am claiming my immunity from the coercion of the President and the Congress of the United States that would render me a criminal if I do not take the moral choice of refusing to support war in any way." (From Fyke Farmer's pamphlet "Sir John Pratt Is Right.")

There follows a chronology of events in this case since Mr. Farmer brought action in the federal court in April, 1953, to enjoin the Director of Internal Revenue from levying on a deposit belonging to him in a bank to satisfy assessment for taxation.

The address of Fyke Farmer is 300 West Bellevue Drive, Nashville 5, Tennessee.

CHRONOLOGY OF FYKE FARMER'S CASE

April 23, 1953

Complaint filed

June 25, 1953

U. S. Attorney files motion to dismiss

July 9, 1953

First National Bank of Springfield files answer and counterclaim in nature of interpleader asking leave of court to pay into court deposit of $6,750 to be subject to orders of court and to be relieved of liability.

July 20, 1953

Federal Judge Albert Ridge of Kansas City, Mo. orders subpoena issued by plaintiff for former President Truman to produce certain records and documents including copies of Korean war orders quashed on the basis of an affidavit by Mr. Truman that the records and documents were not within his control and also were "secret, classified highly confidential and privileged." Order further stays plaintiff from examining Mr. Truman until ruling by Federal Court in Nashville on motion to dismiss plaintiff's action

August, 1953

Court orders $6,750 deposit paid into registry of Court subject to further orders of Court and that bank be relieved of liability

April 7, 1954

Federal Judge Elmer D. Davies enters order denying motion to dismiss stating in the order "... the plaintiff in the case has made a very strong plea that he be allowed to develop his case fully on the merits, and the Court feels that he should be given the opportunity to do so."

April 8, 1954

Second motion to dismiss filed

April 8, 1954

Federal Judge Irving L. Kaufman of the Southern District of New York grants order staying plaintiff from requiring Maj. Gen. Charles A. Willoughly USA (ret.) Gen. MacArthur's Chief of Intelligence in Tokyo when the Korean war was started from answering 131 interrogatories propounded by the plaintiff until the court in Nashville ruled on the motion to dismiss

May 7, 1954

Second motion to dismiss argued and taken under advisement by Judge Davies

August 5, 1955

Second motion to dismiss denied by Judge Davies

September 23, 1955

Answer filed by Department of Justice. Answer neither admits nor denies allegations in complaint that Korean war was war of aggression but says that the defendants are without knowledge or information sufficient to form a belief as to the truth of the allegations and averments.

May 4, 1956

Pre-trial conference set before Judge William E. Miller postponed on account of fact court was engaged in another trial—to be reset by Judge Miller.

May 31, 1956

Action by U.S. to enforce its lien on deposit.

July 20, 1956

Answer to U.S. action filed .

Sept. 25-25, 1956

Case set for trial.

*August 18, 1953

Plaintiff files amendment to complaint offering to pay entire amount of assessment against him provided payment is made into a special or segregated fund in the Treasury no part of which would be subject to the payment of expenses of planning, preparing, initiating or waging war

NOTES ON CASE

Feb. 18, 1954

Plaintiff took the deposition of John Gunther on interrogatories. Gunther in his book "The Riddle of MacArthur (Harper & Bros. 1950, 1951) wrote that on June 25, 1950 he was in Tokyo and went on an excursion to Nikko, Japan, in Gen. MacArthur's private railway car. While he was at lunch with two "important members of the occupation" one of them was called to the telephone and had a telephone conversation. He

returned to the table and whispered "A big story has just broken. The South Koreans have attacked North Korea."
Gunther in his answers to the interrogatories confirmed the truth of the statements in his book but declined to name the occupation officials claiming the privilege of a journalist to refuse to divulge the sources of his information. (This privilege so far as I can ascertain does not exist in New York or in the Federal Courts—see Rosenburg V. Carroll, 97 F. Supp. 629) Plaintiff has filed motion in court in Nashville for order permitting him to examine Gunther and to compel him to divulge names of occupation officials.
March 16, 1955

Plaintiff filed an original action against former President Truman in the federal court in Kansas City seeking an order to impound the official records removed by him when he departed from the White House; that the records be taken out of the custody of Mr. Truman and held for the benefit of the public.
June 1, 1955

Amended complaint filed in above action alleging that plaintiff believed Mr. Truman made a false affidavit in support of his motion to quash the subpoena served upon him.
July 11, 1955

Federal Judge Charles E. Whittaker in Kansas City sustains Mr. Truman's motion to dismiss complaint as amended on the ground that plaintiff did not allege any claim, within the jurisdiction of the court, upon which relief could be granted.

Copy of Amendment of Complaint attached. This contains a succinct statement of factual background of plaintiff's case, together with summary of laws of United States claimed by him to have been violated by Korean war orders.

Plaintiff will make application to Federal Court in Nashville for order directing that he be allowed to examine former President Truman.

Plaintiff has renewed his interrogation of Gen. Willoughby by initiating proceedings to obtain answers to new set of interrogatories, the grounds of Judge Kaufman's stay order having been destroyed by the denial of the motion to dismiss

Sept. 17, 1954

Fyke Farmer, as attorney for Walter E. Styles of Knoxville, Tennessee, files complaint in the federal court in Nashville to recover two-thirds of federal income taxes for the years 1951 and 1952 paid by withholding of his wages by his employer, Southern Railway Co., on the same grounds as set forth in Farmer case. As this tax was paid the defendant in the case is the United States of America.

After motion to dismiss was filed and argument heard, on February 3, 1956, Judge Davies denied motion to dismiss. Answer by the Government has been filed. This case has been set for trial at the same time as Farmer Case. It is a companion case.
In both cases, John C. Coldwell has been examined as a witness by the

plaintiffs. Caldwell, a former Deputy Chief of Information of the U.S. Embassy in Seoul, Korea was in Seoul on private business Sunday June 25, 1950. He was evacuated to Japan along with the other Americans including the U. S. Military Advisory Group to Korea. He testified that he had never met or talked with any one who was an eye witness to the commencement of hostilities at the 38th parallel Sunday June 25th. The British government about two weeks before ordered British citizens to leave Korea because of the imminence of war.

Interrogatories have been filed for a number of witnesses who should be able to give information confirming the Truman and Acheson claim that the North Koreans started the war by a surprise attack or that *evidentiary basis for their claim is lacking.*

The litigation is important as a test case involving three fundamental issues:

1. Is the Nuremberg Law a part of the law of the land in the U. S. and may an individual citizen lawfully refuse complicity in the international crime of planning, preparing, initiating and waging a war of aggression;
2. Is the President of the United States under the *law?* Can he order the nation into war without any declaration by Congress and without keeping any record of his orders and directives and then refuse to give any information concerning his acts;
3. Is a former President subject to being examined in litigation involving his official acts in excess of any powers granted to the President by the Constitution and laws of the United States and when his acts are claimed to be criminal under international law?

FYKE FARMER AND WORLD CONSCIENCE

Sermon preached in the Presbyterian Churches
at Hardwood Lands and Elmsdale, N. S., July 10, 1956

> Matt. 11; 29-30. "Take my yoke upon you, and learn of me; for I am meek and lowly of heart and ye shall find rest unto your souls. For my yoke is easy and my burden is light."

"Rest unto your souls . . . " We hear much talk these days of relaxation. Through all the avenues of ear and eye we are told and retold to relax and how to relax. It is a restless age, we are informed, full of tension and feverish anxiety, and there is little or nothing we can do about it. That's the way it is. So the way to beat it is to make like a vegetable. Be a cabbage head. Whatever is going to happen, *let it happen!* Nothing can be worse than the H Bomb and if the H Bomb hits us we'll never know it, and likely those who hit us with it will never know it either for somebody else will be hitting them at the same time. So yield, give, let go, laissez aller, laissez faire!

I've heard this message preached in so-called churches. It is, I suppose, one way to relax. But it is not the relaxation Jesus knew and advocated. His yoke wasn't a make-believe game. It *was* a yoke. It *was* a burden. To some it might seem a hard yoke and an impossible burden.

But he knew the alternatives, the money yoke, the power yoke, the respectability yoke, the latest-model-car yoke; he knew the burden of greed and pride and hate and lies, and it was in comparison with these that his yoke and burden of truth and love and lowliness of heart were easy and light.

To put it in another way, Jesus is saying you can't have rest unto your souls when you have a troubled conscience. What Jesus was actually doing was integrating the world, teaching the world to see and follow the pattern of love which is at its heart. He came in the fulness of time, in the nick of time, as we say. Actually, in the vast perspective of man's history, it is hardly any time at all since he was here stabbing us awake with his truth. And though much of the world still sleeps, yet even today the world is becoming integrated so rapidly that whenever a wrong is committed, no matter in what faraway place, we all feel it, we all suffer in our consciences for it. This unifying of the world throws new light on the old doctrine of the atonement, not that an angry god is appeased but that Jesus felt in the marrow of his bones the anguish that men must suffer in the "far countries" of their souls before coming "to themselves" and redirecting their lives into the orbit of truth and love. He knew that Jerusalem must be destroyed and many Jerusalems to follow, and Rome too, many Romes. All centers and distributing points of greed and hate and violence and lies must be destroyed, not because of the arbitrary will of a petulant god but because structures given over to violence are self-destructive. Jesus not only knew this in his head; he felt it in his intestines and in the springs of his personality so deeply that he threw his body in the teeth of the lies and hate and greed of his day.

The realm of love and truth he advocated has been growing swiftly down the ages, expressing itself now here, now there, often imperfectly but always growing, spreading out like a great tide on the beaches of the world. In our day it takes form in the vast network of world communication, in cultural exchange, in the inter-national character of the arts and sciences and in sport, in the upheavals of colonial peoples, in the beginnings of world law at the Hague Court, in the Kellog-Briand Pact, the Nuremberg Law, the United Nations Charter.

This realm grows in all of us, for it is part of our reality; and insofar as we do not permit it to grow in us, *we begin to die*, we begin to be destroyed by our unreality, or by our falseness. The real self in us wants peace (that's our world conscience). The other, false, self wants war, can't help wanting war, because war means profit and employment and that general prosperity in which we all share. It is not war itself that we wish for but the war economy, the building of armaments and bases, the stockpiling of metals and all kinds of war materials, the training of army and navy and airforce personnel, all of whose pay goes to swell the tide of prosperity. So that down here in Nova Scotia over 100 million dollars a year is spent by Canada on "defense." That's a lot of cash for this "have-not" province. We have become habituated to hand-outs from Canada since Confederation, which doesn't make for national or international thinking on our part. When our conscience tells us to work

for peace we are apt to say; don't bother me, go to sleep. However the H Bomb is the finger of God himself writing plainly on the blackboard of the sky the alternative to world integrity, reinforcing our consciences with the threat of world suicide.

This conflict of conscience versus cash goes on in all of us, writers, farmers, business men and workers, ministers, even artists and musicians. And if we follow conscience and fight for peace we may lose our profits, our pulpits, our jobs, but we shall find rest unto our souls. If we follow cash we begin to fall apart at the center of our being, we begin to lose our power of direction, our souls. If we do learn of him and if we too become meek and lowly of heart we shall find that his yoke is easy and his burden is light, in other words that the gospel was made to fit us and to make life easier for us, not harder. And don't forget that it is useless to accept Jesus without accepting his gospel. That "accept-Jesus" kind of word-magic is the basis of a tremendous amount of "gospel preaching" today, preaching which is most acceptable to Mammon and his warmongers.

If we don't accept his gospel of mercy, pity, peace and love, we shall be pulling against our real selves, we shall be fighting the stars in their courses, we shall be setting our false selves up as competitors of God and we shall find no rest unto our souls.

Comrades or companions of Jesus have been chosen by God to save the world, to help it regain its integrity, to be the light of the world; but this light has not always, indeed not often, been found in the churches of his name. These have usually hitched the gospel to the world instead of hitching the world to the gospel. At the other extreme are those who have turned their backs on the world, trying to decontaminate themselves by evercises of personal piety. But we are to put our hands on the world, we are to talk to the world and we are to tell it the truth.

A case in point: Sir John Pratt is an Englishman. He was a Far Eastern expert in the British Foreign Office when the Korean War broke out. Being in a position to know what was going on he knew that the story given out by the United States concerning the origin of that war was untrue. He knew that it was the South Koreans who attacked the North Koreans and not the other way around. However the British government wanted to go along with the American version. So they fired Sir John Pratt. You see, Pratt didn't turn his back on the world. He told it the truth. And for telling the truth he lost his job. But he didn't stop there. Ever since that time he has gone about telling people and writing to the newspapers that the Korean War was based on a lie. He stands alone in England among government officials who had the courage to tell the truth about this thing. *His* conscience is clear. Yes, the yoke of truth is easy even though it brought a hard time to Pratt. The burden of truth is light even though it brought new burdens to this man of truth. He found rest unto his soul even though he lost his job and the money and honors that went with it. This was his cross. As Jesus said: If anynoe wishes to go my way, let him deny himself, take up his cross and come with me. Not depend upon my cross, take up *his* cross.

Candles flutter and fail,
Flutter and fail and die;
Over the altar rail
The gray Lord Christ hangs high.

Pale his face, but flushing
Crimson flows the tide
Through the ages gushing;
From his wounded side.

Broken souls run calling,
Under their weight of woe
Stumbling, kneeling, falling—
Cease not, crimson flow!

Broken souls kneel praying,
Casting their burdens down;
Nor flinches he the paying,
Nor minds the thornier crown.

Seldom the ages bringing
Sharer of his load,
Companion of his singing,
Venturer on his road,

Vainly his heart goes yearning
Down the footworn aisle
For a friend's discerning,
For a comrade's smile . . .

Sir John Pratt was dismissed from the Foreign Office because he got up off his knees and became a comrade of Jesus. Instead of adding his weight to the cross of Jesus he took up his own cross and became a companion of Jesus.

Another case in point to which I would call your special attention at this time: Fyke Farmer is a Tennessee lawyer who has dared to stand up and contest in the courts the right of the United States to compel him to pay taxes for the Korean War. He holds that the government has no right or power to force him to become a war criminal. The Nuremberg Law, which he claims to be the law under which he lives, says that crimes against peace are committed by individuals and not states and that therefore if he should accept the American attack on Korea as legal he would be a criminal, a war criminal, just as the Nazis were criminals in the Nezi wars and atrocities.

Just as in the case of Sir John Pratt the spirit of truth has taken hold of Fyke Farmer so that he stands up and bears witness before the 165 million of his fellow citizens to their wrong-doing in attacking the helpless Korean people and in supporting the unspeakable tyrant Syngman Rhee. Fyke Farmer is alone but he is not alone; the very laws that govern the universe operate with him and the spirits that have served those laws down through history are with him. He belongs to a great company.

Even today many Americans and Canadians are with him in spirit, and many more would be with him if his case could only become more widely publicized.

Since it is the business of the preacher to awaken the conscience I'll mention a picture I saw of a Korean child, a little boy about three years old. His eyes were wide open staring at you out of the photograph. As long as he lived this little boy would never be able to close his eyes because our napalm bombs had burned the flesh all around so that the muscles had been destroyed and the lids burned off. And he would never be able to lie down because he had been charred in a sitting position in which he would have to remain as long as he stayed alive on this God's earth. I don't wish to shock for the sake of shocking, but worse atrocities than this could be told, committed by United Nations forces in the Korean War, and we must face the facts and ask the question: why was this necessary? and *was* it necessary?

Half way through the year that was half way through the 20th century since Christ taught us mercy, pity, peace and love, on the Sabbath Day, June 25, 1950, the President of the United States and his Secretary of State told us that the North Koreans had launched a surprise attack against the South Koreans. The truth was that the South Koreans had been threatening (openly) to attack the North Koreans for several years and had opened the attack this Sunday morning advancing into Northern territory and capturing a town in that territory. There is a great mass of evidence and many witnesses (among them the very president of South Korea himself and his foreign minister) to support this version of the affair, a version which flatly contradicts the version given out by the American President.

This evidence should be heard, and it is so that it may be heard that Fyke Farmer has filed his complaint with the Internal Revenue. The case is set for September 25, 1956. With any publicity at all it could be a political H Bomb.

If conscience could ever get into the driver's seat of our lives we would sit down calmly and form committees of truth. We would not hurry nor would we permit anyone to hurry us, particularly our government officials who serve us. Concerning the Korean War we would demand a full detailed record from the beginning to the end; we would demand to hear not only one side, but both sides of the quarrel. And if after full investigation we found that our servants had acted without discretion, had acted hastily, without due consideration to the nature of the dispute and to the issues at stake, then we should demand that they make reparation and restitution to the fullest possible extent. That is the way the conscience can work and *is working in the case of Fyke Farmer.* By associating ourselves with him in his search for the truth we can help ease the load of guilt that lies heavy on this continent. We can find rest unto our souls. None of us is too humble. All of us are elected. Let each do his duty!

NEW CHRISTIAN

JULY-AUG. 1956

EDITOR
Kenneth Leslie

ASSOCIATE EDITOR
Rev. John Tunnicliffe

EDITORIAL ADVISERS

Archbishop Adam
Rev. William T. Baird
Rev. Russell C. Barbour
Rev. Reginald H. Bass
Rev. C. Harrison Becker
Bishop Albert Bereczky
Henrietta Buckmaster
Rev. R. Alex Cameron
Rev. Boise Dent
Bishop Laszlo Dezsery
Rev. I Jonathan Domas
Rev. H. deM. DuBois
Rev. Merlin W. Ennis
Rev. Stanley Evans
Rev. John Fekete
Rev. Joseph F. Fletcher
Rev. Erwin A. Gaede
Rev. Sidney E. Harris
Rev. A. Eustace Haydon
Rev. Daniel Hughes
Rev. Hewlett Johnson
Rev. Imre Kadar
Rev. J. Spencer Kennard
Rev. Ferenc H. Kiss
John A. Lee
Rev. E. D. McGowan
Prof. John Macmurray
Rev. John A. Maynard
Rev. Laszlo Michnay
Rev. Joseph G. Moore
Rev. J. Murdock Palmer
Bishop John Peter
Ida Pruit
Leslie Roberts
Rev. R. Ross-Shannon
Watson Thomson
Bishop Lajos Veto
Rev. Wilfred Wakefield
Rev. Etienne Watts
Prof. Henry N. Wieman
Rev. Claude Williams
Rev. Mercer Wilson

NEW CHRISTIAN is published monthly by New Christian Books, Elmsdale, Nova Scotia. By subscription only. 12 issues $3.25. Checks and money orders payable to **New Christian Books. No Agents.**